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attack from a third nation which had not entered into the agreement. I think it would probably lead to their following it up by an agreement that they would join with each other in any case in which one of them had a quarrel with a third power and on which arbitration was refused. More and more the tendency is growing in the world to recognize that war between two great countries must be a serious thing, not only for them but for the neutral powers; and more and more the tendency would be for nations who had come to the conclusion that as between themselves they were not going to fight to find it to their interests to join together to keep the peace of the world. I have spoken of that because I do not think a statement of that kind put forward by a man in the position of the President of the United States ought to go without response. In entering into an agreement of that kind, remember there would be great risks. If you agree to refer everything to arbitration, as the President of the United States has said, you must be prepared to take certain risks. You must be prepared for some sacrifice of national pride. An agreement of that kind, so sweeping as that, were it proposed to us, we should be delighted to have such a proposal; but I should feel it was something so momentous, so far-reaching in its possible consequences, that it would require not only the signature of both governments, but the deliberate and decided sanction of Parliament. That I believe would be obtained.

"I know that to bring about changes of this kind public opinion has to rise to a high plane of idealism, higher than it can rise to in ordinary times, higher than some members opposite, I imagine, think it ever can rise to. Well, in ordinary times I dare say that may be true. But the times are not ordinary with this expenditure, and they will become still less ordinary as the expenditure increases. The minds of men are working upon this question, and if you will look back into history, you will find that there do come times at favorable moments when public opinion has risen to heights which a generation previously would have been thought impossible. It was so when public opinion abolished slavery, with all its vested interests, and especially difficult in the United States itself. I can imagine there may have been — there must have been — occasions before the United States put an end to slavery when any person might have demonstrated that the public opinion of the United States could never rise to that height. But it did. It did it without counting the cost in treasure, in blood, and in risk to their national existence. So I think it is not impossible, though I admit in the case of such an enormous change the progress may be slow — it is not impossible that public opinion in the world at large may insist, if it is fortunate enough to find leaders who have the courage, the sort of courage which has been shown in the utterances I have quoted to the House — may insist upon finding relief in this direction. Some armies and navies would remain, no doubt, but they would remain then not in rivalry with each other, but as the police of the world. Some honorable members may say we should not live to see the day. I dare say we shall not. I think we shall live to see some progress made. The attitude of the noble lord (Lord Winterton) is one of repudiation of the statement I have quoted to the House. Mine is one of encouragement. And even if

our hopes may not be realized in our time, there is no reason why we should not press forward in the direction in which we see a possible means of relief. What is impossible in one generation may become possible in another. It is rendered more possible in another for the fact that one generation presses in that direction, even if it fails to attain the goal.

"The great nations of the world are in bondage at the present moment to their armies and navies, increasing bondage. It does not seem to me impossible that in some future year they may discover, as individuals have discovered, that law is a better remedy than force, and that all the time they have been in bondage to this tremendous expenditure the prison door has been locked on the inside. If you think that visionary, and not in the region of practical politics, my reply is that at any rate we ought not to leave what the President of the United States has said without response. I admit it is a response not to proposals, because we have no proposals before us, but to the idea. It is at any rate the best which we can do."

### The Importance of Judicial Settlement.

BY ELIHU ROOT, UNITED STATES SENATOR FROM NEW YORK, AND PRESIDENT OF THE CARNEGIE PEACE FOUNDATION.

*Address delivered at Washington, in December last, at the Conference of the Society for the Judicial Settlement of International Disputes, and published in pamphlet form by the Society.*

We all of us agree, and a very large part of the world agrees, that there ought to be an end to war; that it is brutal, wasteful and stupid. We have been talking about it for a great many years. The volume of sound has swelled and grown into a great chorus of universal acclaim for the principles of peace with justice.

But all great movements have a definite development. They pass from stage to stage. The declaration of principles in the beginning is but the first step, and the method of development is from the general to the particular, from the theoretical to the practical, from the proposal to the accomplishment.

Now the movement for peace, for the settlement of the disputes of mankind by peaceful means, is, it seems to me, passing from one stage to another in these wonderful years in which we live. Having accumulated enough momentum, by means of the missionary work that has been done, by means of the propaganda which has been prosecuted, we are beginning now to pass into the stage of careful, thoughtful, definite, certain inquiry into the specific causes of war and the specific remedies to be applied. So only can progress be made towards a practical conclusion.

The organization of the Society for the Judicial Settlement of International Disputes is one of the great steps forward in this second stage of development of the worldwide peace movement.

The causes of war may be roughly and of course superficially and generally distributed into three categories. First, there are the real differences between nations as to their respective rights. One nation claims territory and another claims the same territory. One nation claims the right to trade in a particular way, at a particular place, and another nation claims an exclusive right.

There are a myriad ways in which nations may come into dispute regarding real rights, each nation believing that its side of the controversy is based upon justice.

A second category is what I might call that of policy. The policy of a country may be to push its trade, to acquire territory, to obtain a dominant influence, to insist upon a certain course of action by other countries for its own protection, asserting that a different course of conduct would be dangerous to its safety. All those questions of policy, however, are to a considerable degree, and very frequently, dependent upon the determination of certain facts and the decision of certain questions of international law.

A third category of causes of war may be described as being matters of feeling. Deep and bitter feeling is often awakened between peoples of different countries. We have got away from the time when the pique or whim of an individual monarch may plunge his subjects into a bloody and devastating war, but we remain in the time when great masses of people in different countries may become indignant over some slight or insult, or a course of conduct which they deem to be injurious and unfair. These matters of feeling, which are the most dangerous of all causes of war, because they make the peoples of two different countries want to fight, — these matters of feeling ordinarily depend in the beginning upon different views regarding the specific rights of the two countries.

Now, as to the first kind of causes of war, the real controversies about rights, it is plain that they ought to be decided, and that all war based upon them may easily be obviated by having them decided, in accordance with the rules of right reason.

As to the two other classes of reasons for war, it is plain that the little beginnings out of which they arise, the excuses upon which they depend, may also be disposed of if taken in time, and disposed of by reason and kindly consideration. So that, while it does not cover the whole ground, while it does not by any means solve the whole question, yet at the bottom of all the attempts practically to dispose of the causes of war lies the peaceable decision of questions of fact and law in accordance with the rules of justice.

Now we have been for a good many years more and more seeking to accomplish that by means of arbitration, and the machinery for arbitration has been carefully devised and agreed upon by the nations of the earth at the two successive Hague Conferences, so that it is comparatively easy for nations to have recourse to that method of settling their disputes.

But there are some difficulties about arbitration, practical difficulties in the way of settling questions. I have said many times and in many places that I do not think the difficulty that stands in the way of arbitration to-day is an unwillingness on the part of the civilized nations of the earth to submit their disputes to impartial decision. I think the difficulty is a doubt on the part of civilized nations as to getting an impartial decision. And that doubt arises from some characteristics of arbitral tribunals which are very difficult to avoid.

In the first place, these tribunals are ordinarily made up by selecting publicists, men of public affairs, great civil servants, members of the foreign offices, men trained to diplomacy; and the inevitable tendency is, and the result often has been, — in the majority of cases has been, — that

the arbitral tribunal simply substitutes itself for the negotiators of the two parties, and negotiates a settlement. Well, that is quite a different thing from submitting your views of right and wrong, your views of the facts and the law on which you base your claims to right, to the decision of a tribunal, of a court. It is merely handing over your interests to somebody to negotiate for you; and there is a very widespread reluctance to do that in regard to many cases; and the nearer the question at issue approaches the verge of the field of policy, the stronger the objection to doing that.

Another difficulty is that the arbitral tribunals, of course, being made up largely of members from other countries, the real decision ordinarily being made by arbiters who come from other countries and not from the countries concerned, questions have to be presented to men trained under different systems of law, with different ways of thinking and of looking at matters. There is a very wide difference between the way in which a civil lawyer and a common-law lawyer will approach a subject, and it is sometimes pretty hard for them to understand each other even though they speak the same language, while if they speak different languages it is still more difficult.

Another difficulty is that a large part of the rules of international law are still quite vague and undetermined, and upon many of them, and especially upon those out of which controversy is most likely to arise, different countries take different views as to what the law is and ought to be. And no one can tell how one of these extemporized tribunals, picked at haphazard, or upon the best information the negotiators of two countries can get, — no one can tell what views they are going to take about questions of international law, or how they are going to approach subjects and deal with them.

Now, it has seemed to me very clear that in view of these practical difficulties standing in the way of our present system of arbitration, the next step by which the system of peaceable settlement of international disputes can be advanced, the pathway along which it can be pressed forward to universal acceptance and use, is to substitute for the kind of arbitration we have now, in which the arbitrators proceed according to their ideas of diplomatic obligation, real courts where judges, acting under the sanctity of the judicial oath, pass upon the rights of countries, as judges pass upon the rights of individuals, in accordance with the facts as found and the law as established. With such tribunals, which are continuous, and composed of judges who make it their life business, you will soon develop a bench composed of men who have become familiar with the ways in which the people of every country do their business and do their thinking, and you will have a gradual growth of definite rules, of fixed interpretation and of established precedents, according to which you may know your case will be decided. It is with that view that I have felt grateful to the gentlemen who have been giving their time and efforts to the organization and establishment of this Society. I am sure that it is a step along the scientific and practical method of putting into operation all the principles that we have been preaching and listening to for so many years. It is practical, and I believe it will be effective.

There is a great deal of work for the Society to do. Our people here in the United States are probably more

ready to assent to such a view as this than the people of any other country in the world, because we have been long accustomed to the existence of a great tribunal, a part of whose duty it is to sit in judgment upon the question whether the governments of the sovereign States and the government of our own nation, in their acts, conform to the great principles of justice and right conduct embodied in our Constitution. That arrangement, of embodying the eternal principles of justice in a written instrument investing a court with the power to declare all acts of Congresses and legislatures and presidents and governors void and of no effect when they fail to conform to those principles, is, it seems to me, the greatest contribution of America to the political science of the world. We are accustomed to seeing the actions of the men who hold the power, the actions of the legislative bodies that hold the purse strings, submitted to the adjudication of the court which has no power to enforce its decrees, except the confidence of the whole people behind it. We are accustomed to that, and it seems natural to us that nations, however great, and rulers, however powerful, should go before a court and submit the question whether their actions and their views accord with the principles of justice. But it does not seem so to most of the world. It is rather a new idea, and it will take time and argument and exposition to bring the world in general to the acceptance of that view. And upon that long pathway this Society has entered. A prosperous voyage to it and a safe arrival!

I have said that the time has come for practical dealing with specific causes and specific remedies. Do not understand me as believing that this is to be substituted for the continuous and unwearied assertion and reassertion of the great principles upon which the movement for peace and justice must depend in all parts and in every phase. For, however great may be the material wealth and power of these great nations, after all, what rules the world, the one thing that is eternal and all powerful, is the intangible and the sentimental.

### Hague Conferences and World Peace.

BY JUDGE ROBERT F. RAYMOND OF THE MASSACHUSETTS SUPERIOR COURT.

[The following address, given by Judge Raymond before the Neighbors' Club of Newton Centre, Mass., on March 13, gives a summary of the work and results of the Hague Conferences which will be very useful to those seeking a brief and convenient account of those important gatherings.—ED.]

On the 24th of August, 1898, Count Mouravieff, Russian Minister of Foreign Affairs, handed to the diplomatic representatives accredited to the Court of St. Petersburg an imperial rescript calling an international conference, and containing the following language:

"The maintenance of general peace and the possible reduction of the excessive armaments which weigh upon all nations present themselves, in the existing condition of the world, as the ideal towards which the endeavors of all governments should be directed. In the course of the last twenty years the longings for a general peace have become especially pronounced in the consciences of civilized nations. The preservation of peace has become the object of international politics; in its name great states have made powerful alliances; for the better guarantee of peace they have developed, in proportions hitherto unprecedented, their military forces, and still continue to increase them without shrinking from any sacrifice. All these efforts, however, have not yet been able to bring about the beneficent results of the desired pacification."

The rescript further suggested that the Conference should have as one of its primary objects the discussion of mediation and voluntary arbitration as means of preventing armed conflicts between nations.

In December following Count Mouravieff issued a second circular suggesting a program for discussion at the Conference, and further saying: "My august master considers it advisable that the Conference should not sit in the capital of one of the great powers where so many political interests are centered which might impede the progress of a work in which all the countries are equally interested." In April, 1899, the Dutch government extended an invitation to the powers indicated by Russia to meet at The Hague, and in that city, where stood the Cradle of International Law, where for centuries took place important negotiations between European powers, in the midst of great historic traditions, local and international, the first Hague Conference began its sessions on the 18th of May, 1899.

The world had regarded the whole project as a manifestation of the harmless idiosyncrasy of the weak ruler of a semi-civilized people. In his *Reminiscences* Andrew D. White tells us he was skeptical as to the whole matter, and his feelings were strongly against accepting a place on the American delegation. Many of the delegates arrived at The Hague in a spirit of levity as to the work of the Conference, as if the whole thing were a huge diplomatic joke which the Czar sought to perpetrate upon the nations. We can see to-day that Nicholas was moved by influences far from humorous in sending his call to the powers. In his thoughtful little book on "The Federation of the World" Dr. Trueblood says that "the rescript was not an accident, not the product of a capricious emperor's whim, nor of a nation's long-headed, scheming ambition. Behind it were the accumulated forces of centuries of Christian progress." "The need of Russia in this regard, a need voiced in the utterances of Tolstoy and in the great work of Bloch on 'The Future of War,' was the need of the whole civilized world." We may discern, too, the influence on the mind of the Czar and his ministers of the great discussion of Hugo Grotius on "The Rights of War and Peace," which, since its issue in the first half of the seventeenth century, has, in the opinion of Andrew D. White, exerted greater influence on the opinions of mankind "than any book not claiming divine inspiration." In order to appreciate the spirit of the Conference, it is necessary to consider, too, the forces which have been working with accumulating power through the generations to bring men to that mutual understanding and respect which lie at the foundation of any just peace among the nations. Here, too, I follow closely the illuminating discussion of Dr. Trueblood:

1. The preaching of the Gospel and the work of missions, carrying the principles of the Fatherhood of God and the brotherhood of man, have developed a humane spirit, higher ethical conceptions and goodwill among men.

2. Commerce has been internationalized, and the industrial, monetary and credit systems of business have knit the peoples together in ever-closer business relations.

3. Travel and communication have brought men to know each other and to respect each other's customs, institutions and characteristics.